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DECISION



in large

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-16767

DATE: November 21, 1977

MATTER OF: Raymond B. Shackelford - Reimbursement
for househunting expenses

DIGEST: Employee accepts position at new duty station and makes househunting trip prior to signing service agreement and receipt of travel authorization as required under Federal Travel Regulations, para. 2-4.3c (May 1973). Househunting expenses may be paid if absence of prior authorization was due to administrative error or if trip was based upon informal approval by authorized official.

This action is in response to the request for an advance decision from Mr. T. Rivera, a certifying officer of Department of Housing and Urban Development (HUD), Region IX, regarding the claim of Mr. Raymond B. Shackelford, a HUD employee, for reimbursement for a househunting trip made prior to the date the transfer was authorized.

The record indicates that Mr. Shackelford was stationed in Oklahoma City, Oklahoma, when he was advised by telephone on July 8, 1975, by Mr. Merritt Smith, Director of the Phoenix Insuring Office of HUD, that his application for the position of Chief Underwriter in the Phoenix Insuring Office had been accepted. The record indicates further that Mr. Shackelford called Mr. Smith the following day to accept the position. Mr. Smith relates the conversation with Mr. Shackelford as follows:

"He Shackelford told me he would call me back the next day and tell me of his decision, which he did. He also informed me that he would be in Phoenix, July 14, 1975 to look for housing. I told him that my Administrative Officer would be getting in touch with him to work out the details."

Mr. Shackelford's version of the conversation is not substantially different:

"I called him Smith the next day and told him I would be in Phoenix on Monday, July 14, 1975, to see what the housing situation held for my family. Mr. Smith said, 'Great'. Mr. Gene Gilbert called me

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the next day, Thursday, July 10, 1975, to clarify some details. He said inasmuch as I did not have enough time to prepare a HUD 25a (travel request and authorization) and get it approved, that I needed to give him a date I would be coming on board. I said I would report for duty August 18, 1975."

Mr. Shackelford states further that by making the househunting trip to Phoenix at this time he would be able to honor a prior commitment for temporary duty in Washington, D.C., beginning July 21, 1975, and then return to Oklahoma City to train his replacement before leaving for Phoenix, Arizona. Mr. Shackelford performed his househunting trip during the period July 11-17, 1975, but the record indicates that he did not sign the employment agreement until July 19, 1975, and his transfer was not authorized until July 29, 1975.

Under the authority of 5 U.S.C. 5724a(a)(2) (1970) and the applicable provisions of the Federal Travel Regulation (FTR), Chapter 2, Part 4 (May 1973), an employee and spouse may be reimbursed for travel and transportation expenses incurred in travel to seek residence quarters (househunting) at a new duty station. However, FTR paragraph 2-4.3c expressly requires advance authorization for such a trip as follows:

"c. Authorization prior to trip. The trip for finding residence quarters shall not be made at Government expense unless a permanent change of station travel order has been issued which includes authorization for the round trip and mode of transportation and period of time allowed for the trip, specifies the date for reporting at the new official station, and indicates that the employee has signed the required agreement. An employee shall be in a duty status during the authorized round trip period of absence."


Our Office has recognized but two exceptions to this requirement that written authorization precede the househunting trip. See Patrick J. Twohig, B-185011, March 3, 1976, and decisions cited therein. The first exception we have recognized occurs where the absence of prior written authorization is the result of administrative error, that is, where the failure of advance authorization does not comport with the specific intent of the appropriate authorizing official. See Twohig;

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and B-179449, November 26, 1973. We have been informally advised that Mr. Smith was vested with the authority to authorize travel, and if it can be determined by the certifying officer that Mr. Smith specifically intended to authorize a househunting trip for Mr. Shackelford, then post-approval of this trip would constitute correction of an administrative error. Twohig, supra; James S. Mayes, B-182508, June 3, 1975; and B-179449, supra.

The second exception to the requirement that written authorization precede a househunting trip is the situation where the subsequent written expression of authority merely affirms prior verbal or other informal authorization for the trip granted by an appropriate authorizing official. See Twohig, supra, and decisions cited therein. Again, if it can be determined by the certifying officer that Mr. Smith verbally or otherwise informally authorized this trip, then the absence of prior approval will not defeat Mr. Shackelford's claim for reimbursement of these househunting trip expenses.

Action may be taken on this claim in accordance with the discussion above.


Deputy Comptroller General
of the United States